

IN THE CLAIMS:

The text of all pending claims, (including withdrawn claims) is set forth below. Cancelled and not entered claims are indicated with claim number and status only. The claims as listed below show added text with underlining and deleted text with ~~strikethrough~~. The status of each claim is indicated with one of (original), (currently amended), (cancelled), (withdrawn), (new), (previously presented), or (not entered).

Please CANCEL claims 13-18 and 21-24 and AMEND claims 19 and 20 in accordance with the following:

Claims 13-18 (cancelled)

19. (currently amended) A method ~~in accordance with claim 18~~ for allocating radio communication resources in radio cells of a cellular radio communication system having a plurality of user stations and network units, further comprising:

dividing a frequency band into a plurality of sub-carriers used in the radio communication system for communication purposes, starting with an initial constellation having a transmission capacity, by dividing the frequency band into a number of sub-bands, each sub-band including at least one sub-carrier, so that the number of the sub-bands is different in at least two of the radio cells;

dividing the user stations into a number of groups;

forming the-a modified constellation from the initial constellation by at least one of

swapping at least one user station of a first group with at least one other user station of a second group while said dividing into the sub-bands said allocating of each group to the one of the sub-bands remains unchanged; and

swapping at least one sub-carrier of a first sub-band with at least one other sub-carrier of a second sub-band while said dividing into the groups and said allocating of each group to the one of the sub-bands remains unchanged;

allocating each group of the user stations to one of the sub-bands for communication; and

calculating the transmission capacity of the modified constellation.

20. (currently amended) A method ~~in accordance with claim 18 for allocating radio communication resources in radio cells of a cellular radio communication system having a plurality of user stations and network units, wherein said determining of comprising:~~

~~dividing a frequency band into a plurality of sub-carriers used in the radio communication system for communication purposes, starting with an initial constellation having a transmission capacity, by dividing the frequency band into a number of sub-bands, each sub-band including at least one sub-carrier, so that the number of the sub-bands for each of the is different in at least two of the radio cells achieves to achieve at least one of a predetermined increase in the transmission capacity and a predetermined transmission capacity in the at least two radio cells;~~

~~dividing the user stations into a number of groups;~~

~~allocating each group of the user stations to one of the sub-bands for communication; and~~

~~calculating the transmission capacity of a modified constellation of said dividing into the sub-bands and the groups and said allocating of each group to the one of the sub-bands.~~

Claims 21-24 (cancelled)